

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**CURLING PLAINTIFFS' BRIEF
IN SUPPORT OF MOTION TO SEAL THEIR RESPONSE TO
SECURITY PROTOCOLS FOR REVIEW OF VOTE-STEALING
MALWARE AND THE AFFIDAVIT OF J. ALEX HALDERMAN**

Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”) seek to seal their Response to Security Protocols for Review of Vote-Stealing Malware (Doc. 496) and the Affidavit of J. Alex Halderman (Doc. 498). Public disclosure of the sensitive information regarding the malware Dr. Alex Halderman developed for demonstration purposes, the security issues involved with its production in the form proposed by Defendants, and the continued vulnerabilities of Georgia’s election system, could cause considerable harm to election systems in both Georgia and across the United States.

ARGUMENT AND CITATION TO AUTHORITY

The Curling Plaintiffs recognize that there is a presumption of public access

to judicial documents. However, “[a] party’s privacy or proprietary interest in information sometimes overcomes the interest of the public in accessing the information.” *Romero v. Drummond Co., Inc.*, 480 F.3d 1234 (11th Cir. 2007). “The common law right of access may be overcome by a showing of good cause, which requires ‘balanc[ing] the asserted right of access against the other party’s interest in keeping the information confidential.’” *Id.* (quoting *Chicago Tribune v. Bridgestone/Firestone*, 263 F.3d 1304, 1309 (11th Cir. 2001) (alteration in *Romero*). In determining whether to seal a document, the Court should consider the following, non-exhaustive list of factors: “whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.” *Id.*

Here, the balance of competing interests weighs in favor of sealing the Curling Plaintiffs’ Response to Security Protocols for Review of Vote-Stealing Malware (the “Response”) and the Affidavit of J. Alex Halderman (the “Affidavit”). Both the Response and the Affidavit contain sensitive information regarding the malware Dr. Alex Halderman created to demonstrate security

vulnerabilities in Georgia's election system. They also contain sensitive details regarding the current lack of security in Georgia's systems, publication of which would potentially aid bad actors in gaining unauthorized access to the systems currently in place both in Georgia and other jurisdictions. This information need not be made publicly available in order to permit a fair and full consideration of the merits of the present case. Both parties, and the public, have a significant interest in keeping the Response and the Affidavit confidential. Therefore, Curling Plaintiffs ask that the Court grant their Motion to Seal .

Dated: July 17, 2019

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

/s/ David D. Cross
David D. Cross

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2019, a copy of the foregoing **Curling Plaintiffs' Brief in Support of Motion to Seal Their Response to Security Protocols for Review of Vote-Stealing Malware and the Affidavit of J. Alex Halderman** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross
David D. Cross